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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-second session

SUMMARY RECORD OF THE 1266th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 16 March 1998, at 3 p.m.

Chairman: Mr. ABOUL-NASR

later: Mr. DIACONU

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Tenth to fourteenth periodic reports of Cameroon (continued) (CERD/C/298/Add.3)

1. At the invitation of the Chairman, the members of the delegation of Cameroon resumed their places at the Committee table.

2. Ms. McDOUGALL said she appreciated the measures taken by the Government to secure women's participation in government structures and realization of their human rights. The group referred to as pygmies were forest dwellers and hunter-gatherers, and their way of life and culture was totally dependent on the forest ecosystem. Did the Government believe that their socio-economic integration into an agriculture-based economy and lifestyle was a goal that would allow them to preserve their culture and way of life? What was their role in decision-making on efforts to integrate them into the rest of society and on the exploitation of the forestry resources that were so crucial to maintaining their way of life?

3. More information was also needed on the measures the Government was taking to ensure equal participation by all 230 ethnic groups in the legislative, executive and judiciary branches of the Government.

4. Mr. NOBEL asked who were the 4 million foreigners referred to in paragraph 15. What were their occupations, under what conditions did they live and were they effectively protected against ethnic or racial discrimination? Were a number of them actually refugees but not recognized as such? How did the refugee machinery work? Had Cameroon acceded to the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, and the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa?

5. Did Cameroon incorporate international human rights instruments into domestic law by transposing the entire text of the former into its own legislation; did it amend its own legislation to adjust it to international law, thereby transferring international law into domestic legislation; or was there a third method?

6. Regarding the relations between the pygmies and the Bantu, and efforts to assist the former in achieving recognition of their culture, how serious was the situation of the pygmies? Could measures be taken that did not endanger their right to the lifestyle of their choice?

7. Mrs. SADIQ ALI said that there was clearly some regard for the legitimate interests of certain minorities, particularly the indigenous pygmy population of the east and the south. According to the World Directory of Minorities, however, three ancient peoples, the Baka, Gyeli and Tirkar, commonly referred to as pygmies, eked out a precarious livelihood in the shrinking forests of the south-west and south-east; both the Government and the Catholic Church had tried to sedentarize them in pilot villages and forced

settlements along roadways; and local farmers, logging companies and plantations paid them less than the legal minimum wage and made inroads into their forest environment. That violated articles 3 and 5 (e) (i) of the Convention. In most cases, the children of forest nomads had no access to education. More information was needed on their situation.

8. Although the report stated that all human beings, without distinction, possessed certain inalienable and sacred rights, nowhere did it refer to racial discrimination within the meaning of article 1, paragraph 1 of the Convention, and the language it used was more restrictive than that of the Convention. Could the delegation provide an explanation?

9. How were the differences between the 4 million northerners, who were mainly Muslims and politically more prominent, and the southerners, or Bantu peoples, who outnumbered the Muslims three to one, being overcome? Resentment was reported to persist over past raids by the Fulbe, or Muslims, against the Kirdi, or non-Muslims. There were also different legal and educational systems in the two parts of the country. The English-speaking community claimed that the Government was exploiting natural resources but did little to improve living conditions. The surge in support for the secessionists apparently had more to do with economic decline than with any real cultural differences. According to The Independent of London, Cameroon had the same poverty level as in 1964, with high unemployment, inflation and deteriorating social services. The English speakers were calling for a federal State, while the francophones wanted a unified State. How were those demands being reconciled?

10. She asked about the structure of the decentralized territorial communities called for under the revised Constitution, which would promote greater participation by citizens in local affairs.

11. Mr. VALENCIA RODRIGUEZ said the multi-ethnic and multi-religious nature of Cameroonian society made monitoring of the Convention even more important. Were there any measures to maintain and promote the use of aboriginal languages by the different ethnic groups, especially the pygmies? He welcomed the information contained in paragraph 24 on ratification of international human rights instruments and the importance placed on human rights by the Constitution, which cited the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

12. He also commended the inclusion in the report of information on the scope of international human rights instruments but asked for examples of how those instruments were applied internally, and for additional information on the National Committee on Human Rights and Freedoms. While he was happy to learn of the measures taken on behalf of the pygmies, more needed to be done, and the Committee should be kept informed, particularly with regard to agricultural training, health care, education, employment and housing.

13. The measures adopted under article 4 did not fully meet its requirements, as they were limited to publications in the press, whereas the obligation under the Convention was much broader and included the prohibition of all types of racist manifestations or incitement to racial hatred. Had there been any legal cases involving racist associations or organizations? He

would like to see the text of articles 241-242 of the Penal Code, as the information in paragraph 33 of the report referred only to guaranteeing access to a public place or an occupation. Were there any examples of the application of Act No. 90-56, on freedom of assembly and association, to the prohibition of racist political parties?

14. The information on article 6 of the Convention was insufficient. According to the report, discrimination based on race or religion was seldom found in the Cameroonian social mentality, but measures were still required under article 6. Article 242 of the Penal Code did not fully meet the requirements of articles 4 or 6. He would also appreciate more information on initiatives taken to welcome the rather numerous foreigners (paragraph 59).

15. Mr. SHAHI asked whether the 50,000-strong pygmy population was considered indigenous, and if so, which were the minorities among the 230 ethnic groups? He would also like statistics on the representation of the major groups in the various branches of government. How much was the gross domestic product in dollars? The 4 per cent inflation rate compared favourably with other developing countries.

16. Apart from the 46,694 mainly Chadian refugees, who were the other 4 million foreigners in Cameroon? They accounted for more than one quarter of the entire population. The report mentioned 669 Rwandans, 255 Burundians and 43 Zairians. Had those refugees fled their countries of origin because they had committed crimes? Were they subject to extradition? Particularly in view of the newly established International Criminal Tribunal for Rwanda, any guilty parties from that country against whom there was evidence should be extradited or handed over to the Tribunal. He would welcome further information, since putting an end to impunity was an important way to stem the genocide in the Great Lakes region of Africa.

17. Although international human rights instruments took precedence over domestic law and could be invoked before the courts, criminal prosecutions on violations of those instruments required national legislation. Torture had been penalized, so why not the offences under article 4, and why not the human rights violations based on racial discrimination under article 5? Articles 241-242 of the Penal Code were the only ones that concerned discrimination and were inadequate. The provisions described in paragraphs 33, 48, 49 and 50 of the report did not fully comply with article 4.

18. The Government was to be commended for the special concrete measures being taken for the most disadvantaged group, the pygmies. More information was needed on whether they were entering into the mainstream and participating in the political process and public services as a result of those measures. Existing legislation seemed to cover most of the rights under article 5, but it was difficult to evaluate the situation without further information on actual cases in which discrimination had been punished.

19. The CHAIRMAN, speaking in his personal capacity, said that according to the delegation, although the legislation which penalized insulting or offensive behaviour covered insults, offences or crimes committed on grounds of race, racial grounds would be an aggravating circumstance conducive to more

severe punishment. If that statement were taken in conjunction with paragraphs 47-50 of the report on the penalization of associations or organizations disseminating racial superiority or hatred, perhaps the two together would largely meet the requirements of article 4. He asked for the Committee's views on the question.

20. Mr. van BOVEN said that he, too, wished to raise several questions concerning the pygmy group. First, he wondered whether the pygmies could be considered an indigenous people for the purposes of the Convention. In the absence of a definition of indigenous people, it was necessary to characterize such groups on the basis of their lifestyles. In 1997 the Committee had adopted General Recommendation XXIII on the rights of indigenous peoples, paragraph 4 (c) of which stated that indigenous peoples should be provided with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics. It appeared, however, that the pygmies' livelihood was being endangered by forest development, and he wondered to what extent their way of life was being taken into account in development projects. Paragraph 39 of the report referred to the "Socio-economic integration of the Baka/Bakola" project, with its multifaceted strategy. He would like to know what was meant by the strategy of stabilizing the pygmies in their camps. Referring to the requirement contained in paragraph 4 (d) of the Committee's General Recommendation, he asked to what extent representatives of the pygmies had participated in the design and implementation of the aforementioned project. He had read in the same source as Mrs. Sadiq Ali of attempts by the Government and the Catholic Church to sedentarize the pygmies, and of the exploitation to which they were often subject, which was another matter of concern.

21. Regarding the Chairman's question concerning article 4, Cameroon was in the company of many States Parties, including the United Kingdom, in considering racism to be an aggravating factor when applying the regular legislation. Further information was needed on Cameroonian legislation and practice on that point, which he hoped the delegation would convey to the Committee either at the current session or in the next report.

22. Concerning article 6 of the Convention, the report stated that victims of racial discrimination could apply to the competent court for compensation, but that the matter seldom arose because of the infrequency of discrimination in Cameroon. He pointed out that victims of discrimination, particularly those on the margin of society, often did not know how to use the court system to claim compensation, which was why compensation schemes should be organized by the authorities.

23. He welcomed the fact that Cameroon was a party to the Optional Protocol to the International Covenant on Civil and Political Rights. As the Optional Protocol contained a provision similar to the one in article 14 of the Convention, he wondered whether Cameroon was considering making the declaration concerning individual communications under article 14.

24. Like other members he had noted with interest the establishment of a National Committee on Human Rights and Freedoms, mentioned in paragraph 29 (f) of the report, which satisfied the Committee's General Recommendation XVII. He looked forward to receiving information on that Committee's activities.

25. The report stated that there was little need for information on racial discrimination, and no case law to report, because of its infrequency in Cameroon. Because the Convention also had a role to play in preventing discrimination, however, its requirements should be met in both legislation and practice, and he was confident that the State Party would provide such information on the next occasion.

26. Mr. DIACONU observed that it was important for development to proceed with the consent and participation of the pygmies. The transition from hunter-gatherer to farmer was not an evil in itself. All of mankind had made that transition, which had to be considered the normal course of development.

27. Paragraph 54 of the report referred to Act No. 19-56 of 19 December 1990 concerning political parties, article 9 of which prohibited any party that advocated discrimination. To meet the Convention's requirement of legislation which explicitly made acts of racial discrimination a punishable offence, the prohibition of racial discrimination should also apply to individuals and groups that did not constitute political parties.

28. The CHAIRMAN, speaking in his personal capacity, said he wondered whether the transition of which Mr. Diaconu had spoken was an improvement over the pygmies' present lives. He invited the members to reflect on whether the developed world should impose its own way of life rather than seek to understand others'.

29. Mr. de GOUTTES (Country Rapporteur) referred to the question raised by the Chairman, whether the existence of an "aggravating circumstance" factor would be considered sufficient to meet the obligation under article 4. According to a literal interpretation of that article, States Parties were required to enact legislation explicitly making acts of racial discrimination punishable offences in their own right, which was what the Committee had always requested of them in the past. Were its thinking to evolve to the point of accepting the "aggravating circumstance" factor as sufficient to meet the requirement in article 4, two conditions would have to be met. First, there would have to be specific texts to that effect in the domestic legislation, and, second, there would have to be instances in which such a factor had been applied to specific cases. If both conditions were met, the Committee might consider the subject further.

30. The CHAIRMAN thanked Mr. de Gouttes for his explanation and said that the delegation's remarks on article 4 would nevertheless be taken into consideration.

31. Mr. Diaconu took the Chair.

32. Mr. YOUMSI (Cameroon), replying to the questions raised, said that the pygmies were, historically speaking, the initial inhabitants of Cameroon. There were approximately 50,000 of them scattered throughout the country. The Government's policy towards the pygmies was to be seen against the background the pygmies' lifestyle. The Government attempted to comply with the constitutional provision of equal opportunity for all to participate in what it regarded as development. That was a psychological and philosophical question and concerned the nature of happiness; it might well be wondered

whether the Government's view of development actually made people happier. There was also an economic issue involved, as many speakers had noted, in that forest development was endangering the pygmies' lifestyle as hunter-gatherers. The Government sought to involve the pygmies in development through the right to vote, participation in decision-making and generally by making them aware of their status as citizens within Cameroon. In so doing, however, it risked disturbing the pygmies' simple lifestyle. Noting, for example, that many pygmies had been exploited on coming into contact with the Bantu, the Government had concluded that it was necessary to protect them. To that end, it attempted to sedentarize them through agriculture. Its policy was aimed at providing them with training in new techniques and helping them to deepen their knowledge of themselves and participate in decisions concerning them.

33. Like all cultures in Cameroon, the pygmy culture was fully preserved. Each pygmy group had the right to speak its own language in addition to French, English or both and to practise its own customs. The Government considered each culture to be a source of wealth and believed that through a host of small cultures a national sensibility could be built.

34. Concerning the obligation under article 4 of the Convention, he said that a country in which 230 ethnic groups coexisted was less subject to racism than one in which only two or three groups existed. In fact the word "racist" had been imposed on Cameroonians, whose culture was based on respect for others. The word "enemy" was the same as the word "foreigner" in some cultures, a concept that was not to be found in the African mentality.

35. Certain ancient practices had perhaps had a discriminatory connotation. For example, in some tribes if a man had been unable to marry, he had tried to abduct a woman from another. Today, that was a punishable offence. Legislation on defamation also protected against discrimination; under the Criminal Code, slanderous statements about other ethnic groups was an offence.

36. Turning to the question of nomadic groups, he observed that farmers' quarrels with nomadic groups who grazed herds on land on which crops had been planted could not be attributed to racism or tribal rivalry. Such nomadic groups did not send their children to school because they were constantly on the move. As in the case of the pygmies, a policy was needed to enable their children to receive an education and preserve their culture at the same time. One plan had involved storing grass which could be fed to the animals during periods of shortage, so that the nomads would not need to leave in search of pasture for their herds.

37. On the question of how the other ethnic groups participated in the decision-making process, he pointed out that the Cameroon National Assembly currently had 180 representatives. Under national legislation, wherever the ethnic composition of the population was mixed, electoral rolls must reflect that circumstance. A party which had not taken that into account had had its electoral roll invalidated. Thus, representatives of the various tribes were represented in the Assembly. Needless to say, that did not mean that there was one representative for each of the 230 ethnic groups. The same situation applied at local level: the town council must reflect the ethnic make-up of the population.

38. On the subject of religion, Cameroon respected the major religious celebrations of each community. That was another example of his Government's endeavours to promote the well-being of the population.

39. The CHAIRMAN said that the Committee was looking forward to the continuation of Cameroon's replies to its questions at the next meeting.

40. The members of the delegation of Cameroon withdrew.

Second to seventh periodic reports of Cambodia (CERD/C/292/Add.2)

41. At the invitation of the Chairman, Mr. Suon (Cambodia) took a place at the Committee table.

42. Mr. SUON (Cambodia), introducing his country's report, said that in view of the upheaval caused by more than 20 years of war, it had been difficult for Cambodia to restore strict respect for the law and human rights, but his Government was making every effort to do so. After the elections of July 1998, once Cambodia had a government with a single prime minister, it would be in a position to set out on the right path.

43. The CHAIRMAN observed that in their oral presentations, delegations normally reported at some length on recent events which had transpired since the drafting of their country's report.

44. Mr. YUTZIS (Country Rapporteur) said that he welcomed the resumption of the dialogue with Cambodia. He had deep compassion with the Cambodian people for the suffering it had endured. It was to be hoped that the elections to which the representative of Cambodia had referred would enable the political, economic and social situation to improve.

45. Three years after the departure of the United Nations Transitional Authority in Cambodia (UNTAC), the overall human rights situation in Cambodia continued to give cause for concern, as was borne out by the report of the Special Representative of the Secretary-General for Human Rights in Cambodia of October 1997 (A/52/489) and Commission on Human Rights resolution 1997/49. To cite just one example in the general area of human rights violations, it was reported that a Vietnamese woman, Lam Heung, had been detained without charges, beaten and threatened with execution. She had received no medical attention while being held, and her assertion of having been tortured had been rejected on the ground that she had already admitted her guilt.

46. As to the question of racial discrimination in the country, he would focus on the situation of the Vietnamese minority, which faced increasing marginalization. The report itself conceded in paragraphs 20, 22 and 33 that there was a problem in that area.

47. Information from a number of studies indicated that the Vietnamese were regarded as an ethnic and not an immigrant group. The Vietnamese ethnic group appeared to occupy the lowest rung in society, together with persons of mixed Cambodian and Vietnamese extraction.

48. Many, although not all, Vietnamese were fishermen. According to his information, the Khmer considered that the Vietnamese had cornered the market. Tensions associated with fishing had been responsible for the 1994 massacre in Peam So, when Vietnamese had crossed land to fish in a leased area and had been brutally attacked by former Khmer Rouge employed on the land. That was acknowledged in paragraphs 22-24 of the report. It was disturbing that, as in many other parts of the report, the blame had been placed entirely on the Khmer Rouge.

49. Concerning prostitution, he noted that most prostitutes in urban areas in Cambodia were Vietnamese. Vietnamese women were accused of spreading AIDS in the Cambodian population. There were many legends surrounding Vietnamese women which increased the prevailing paranoia about the threat they posed. It was said that Cambodia could be destroyed by Khmer who associated with Vietnamese women. There had been systematic killings of Khmer men married to Vietnamese women. He noted that free choice of spouse and marriage was provided for by law (paragraphs 98-100 of the report) but that the exercise of that right was impeded in practice (paragraph 101).

50. Regarding the administrative situation, prior to the previous elections the residence permits of many Vietnamese had been withdrawn. That was reportedly because the administration had not wanted to be regarded as being lenient towards the Vietnamese. In October 1995, the residence documents of all Vietnamese living in a village of the province of Kandal had been confiscated. In another village in that same province, such documents appeared to have been drawn up by the police and sold at a high price. If in Takeo (municipality of Romin) immigration papers were free of charge and in Kampong Chhnang the ceiling on such papers had been set at 200 riels, why was the average cost in other districts 5,000 riels per person and between 10,000 and 50,000 per family? In that same region, a Vietnamese woman had reportedly paid 5,000 riels per document, 3,500 riels for the photograph and 5,000 riels to the police, and had subsequently been fined an additional 50,000 riels on a technicality. A young Cambodian woman of mixed blood had paid 5,000 riels for nationality papers she had never received, had had her title deeds confiscated and had been unable to leave her village. He asked about a report that in Kampong Iuong Vietnamese had to buy their documents from the municipal police, which were then only valid for a short period, after which they had to pay a fine of 3,000 riels. Could the representative of Cambodia comment on all those allegations, particularly in the light of article 5 (d)(i) and (ii) of the Convention on freedom of movement.

51. In connection with article 5 e (iii) of the Convention, he said that like many Cambodians, the Vietnamese had lost almost all their possessions during the Democratic Kampuchea period. Many Vietnamese who had previously lived on the land were now living on water. In one village established in the 1980s, the police had seized titles to property two years previously on the pretext of updating them and had never returned them to their owners.

52. On 5 December 1996, 19 persons of Vietnamese origin had been expelled on charges of cooperating with the People's Action Party, a Vietnamese pro-democracy organization based in the United States, and had been handed over to the Vietnamese police. Ten of them had requested political asylum. In that connection, the Special Representative of the Secretary-General had

pointed out that Cambodia was a State party to the 1951 Convention relating to the Status of Refugees and was therefore prohibited from expelling or returning refugees lawfully in their territory.

53. According to paragraph 107 of the report, while freedom of thought and conscience was not yet specifically regulated, it was not prohibited by law. The Cambodian authorities must introduce legislation to protect freedom of thought, conscience and belief, particularly in view of the problems encountered by persons of Vietnamese origin who openly expressed their cultural identity. Khmers reportedly took retaliatory action against persons using the Vietnamese language, listening to Vietnamese music or wearing traditional costumes during their festivals.

54. There had been frequent massacres of Vietnamese living in Cambodia. In March 1993, the Tonle Sap assault had been followed by a mass exodus of Vietnamese to Phnom Penh. The report of the Special Representative of the Secretary-General for Human Rights in Cambodia (A/49/635 and Add.1), published in 1994, documented attacks and killings, notably in the village of Peam So in the district of Saang, Kandal. On 7 January 1997, an explosive device had been found in an area frequented by persons of Vietnamese origin close to the residence of the military attaché of the Vietnamese Embassy.

55. Material constituting incitement to racial hatred had been broadcast by Khmer Rouge radio and published in the Khmer press.

56. On 18 November 1997, the Chairman of the Service Committee for the Vietnamese People, who had demonstrated peacefully for greater freedom for the Vietnamese, had been deported to Viet Nam, where he was still in prison.

57. Drunken soldiers had threatened the inhabitants of a Vietnamese village close to Phnom Penh, warning them to return to Viet Nam. They had forced the community leader to report the number of Vietnamese families living in the village and had accused him of harbouring thieves and prostitutes. Although the perpetrators of many such acts were known, they had never been brought to justice.

58. The tax payable by fishermen was frequently used as a pretext for extortion. The police seized the papers of local fishermen and demanded bribes for their return. Unauthorized persons demanded payment for fishing permits, sometimes even detaining their victims. The Cambodian State was thus being deprived of legitimate resources in a climate of impunity, violence and death threats.

59. The Vietnamese school enrolment level was low and persons of Vietnamese origin were denied access to higher education. The Vietnamese school in Tonle Sap was operating without a legal permit. Under current Ministry of the Interior regulations, no school could offer instruction in the Vietnamese language.

60. According to a study conducted by the Phnom Penh Centre for Higher Studies, ethnic identity was based, inter alia, on a shared collective memory. The denial of the existence of the Vietnamese by the Khmer majority under the Khmer Rouge regime had stemmed from a desire to promote the myth of racial

purity. Persistent reluctance, however marginal, to admit the existence of a common heritage implied the rejection of one of the most significant developments of recent history and an unwillingness to share the experience of survival with the Vietnamese community.

61. The Cambodians basically viewed the Vietnamese as immigrants. Amendment of the immigration laws to provide for jus solis was one way of promoting a spirit of tolerance and complementarity.

62. The Chams, a people originally from central Viet Nam, were for the most part Muslims and spoke a Malayo-Polynesian language. They had allegedly sought refuge in Cambodia from persecution by the Vietnamese and were therefore held up as an example of what lay in store for the Khmer if they failed to defend themselves against the Vietnamese. However, the Chams were not allowed to teach their history or preserve their sense of unity as a people.

63. The 17 indigenous groups in Cambodia had no legal status. Their special relationship with the land and dependence on farming had not been recognized by the authorities. Licences had been granted for the construction of industrial estates on ancestral lands. The Government was cooperating with the National Mekong Committee and the Asian Development Bank on a project to build dykes that were likely to flood indigenous land. The communities concerned had not been consulted and were not informed of local development plans. If they tried to resist, they were intimidated by the residents of legal and illegal settlements, who were protected by the military and the police.

64. Cambodia could not continue to operate under transitional legislation. It was time to enact constitutionally definitive laws, particularly against racial discrimination. According to paragraph 69 of the report, there had never been any prosecutions for racial discrimination under Decree-Law No. 2 of 1980. That was unacceptable and led him to conclude that the provisions of article 7 of the 1995 Press Act mentioned in paragraph 71 had also been ignored in practice.

65. The Government must actively assume its legislative and practical responsibility under the Convention. The assignment of blame for all shortcomings to the Khmer Rouge, as, for example, in paragraphs 21, 22, 44, 48 and 53 of the report, was unacceptable.

66. Mr. de GOUTTES said that, while the report had been prepared in accordance with the guidelines and provided interesting information on minorities, the horrors of the Khmer Rouge regime and existing legislation and objectives, it failed to describe practical action to achieve those objectives. In particular, there was no information regarding the implementation of article 61 of the Transitional Criminal Act and Decree-Law No. 2 concerning racial discrimination. According to paragraph 54, work was under way on a draft Criminal Code and a draft Code of Criminal Procedure. What stage had been reached in that process? Lack of funds seemed to have impeded the implementation of the development programmes on behalf of ethnic groups described in paragraphs 57 to 59.

67. According to paragraph 18, a Commission on Human Rights and Receipt of Complaints had been set up in 1993. He asked what results it had achieved to date.

68. According to paragraphs 20 and 33, the long history of conflict between Cambodia and Viet Nam was responsible for feelings of deep hostility to the Vietnamese among the Khmer. According to paragraph 75, Khmer Rouge radio continued to sow hatred and urged Cambodians to use violence to drive the Vietnamese out of the country. To a lesser extent, the Chinese community seemed to be the target of xenophobia. Such latent racial or ethnic hatred was an extremely worrying phenomenon which the Government must address as a matter of urgency. In that connection, he regretted that, according to paragraph 45, the case against one of the culprits arrested following the shooting incident in the Vietnamese village of Peam So in 1995 had been dismissed by the court in Kandal.

69. According to paragraph 71, the journalists' association was required to draw up its own code of conduct which should prohibit incitement to racial discrimination. Had any such code of conduct been prepared?

70. Paragraph 76 claimed that many associations and organizations were engaged in activities aimed at making Cambodians aware of their rights and duties as citizens. What were the main organizations involved and did they receive assistance from the Government?

71. Paragraphs 160 to 166 described interesting developments in educational reform, culture and dissemination of human rights instruments. What had been achieved to date under those programmes?

72. Mrs. ZOU DECI noted that many Cambodians of Chinese and Vietnamese origin who had been living in the country for several generations still had the status of foreign residents. How did the feelings of xenophobia towards them manifest themselves, for example in lawsuits or acts of violence? Were the authorities impartial when dealing with such cases or did they adopt a different attitude towards nationals and foreigners? Could long-term Chinese and Vietnamese residents in Cambodia hope to acquire Cambodian nationality? Were there different criteria of eligibility for different nationalities?

73. In cases of mixed marriage between Chinese residents and Cambodians, did the children acquire their nationality from the father or the mother? Did the children of such marriages suffer from discrimination?

74. The CHAIRMAN, speaking as a member of the Committee, asked whether any of the 100,000 Vietnamese and 50,000 Chinese resident in Cambodia had acquired citizenship. Were they all recent immigrants or had they been resident there for decades or even centuries? Had they never been citizens, even before or during the Democratic Kampuchea regime? He feared that a great number of people were being deprived of political and other rights because their status remained unclear.

75. The report gave no examples of how existing legislation had been interpreted in the courts. According to paragraphs 67 and 68, anyone resorting to violence or damaging property with the aim of inciting racial

discrimination was punished under articles 7 and 8 of Decree-Law No. 2 but the text of the articles contained no explicit reference to racial discrimination.

76. Article 31 of the new Constitution prohibited discrimination on a number of grounds, including "origin". What type of origin was meant? Article 1 of the Convention referred specifically to national or ethnic origin.

77. He disagreed with the statement in paragraph 14 that Cambodia's political position as a neutral, non-aligned State implied that there was no racial discrimination. Specific laws and measures outlawing racial discrimination must be adopted before the country could make such a claim.

The meeting rose at 6 p.m.